

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EDWARD B. SPENCER,

Plaintiff,

v.

D. LOPEZ,

Defendant.

Case No. 1:20-cv-01203-JLT-CDB (PC)

**ORDER SETTING DEADLINE FOR  
PLAINTIFF'S RESPONSE, IF ANY, TO  
DEFENDANT'S REQUEST TO FILE  
DOCUMENTS UNDER SEAL IN SUPPORT  
OF DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

**DEADLINE: 12/29/2022**

Plaintiff Edward B. Spencer is proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This action proceeds on a First Amendment retaliation claim against Defendant D. Lopez.

On December 5, 2022, Defendant filed a Notice of Request to File Documents Under Seal in Support of Defendant's Motion for Summary Judgment. (Doc. 62.)

**DISCUSSION**

Local Rule 141 provides, in relevant part:

“[A] party may submit an opposition to the ‘Request to Seal Documents’ within three days of the date of service of the ‘Notice of Request to Seal Documents.’ The opposition shall be either: (1) e-mailed to the appropriate Judge or Magistrate Judge’s proposed orders e-mail box listed on the Court’s website ...; or (2) submitted on paper to the Clerk by hand delivery, by same-day or overnight courier, in an envelope stating in prominent manner ‘Opposition to Request to Seal Documents.’ The Opposition shall be served on the

party or parties requesting sealing .... The Opposition shall not be filed at this time.”

See Local Rule 141(c). Because Plaintiff is incarcerated it is improbable that he could comply with the three-day deadline provided in the Local Rule. Nor can Plaintiff comply with the requirement the opposition be delivered by hand, or same-day or overnight courier. Plaintiff will be afforded additional time within which to respond to Defendant’s Notice of Request to File Documents Under Seal in Support of Defendant’s Motion for Summary Judgment, and in a manner recognizing the limitation of his incarceration.

The Court notes the deadline for the filing of dispositive motions, or motions for summary judgment, is December 8, 2022. (*See* Doc. 59.) On today’s date (December 7, 2022), Defendant filed a motion for summary judgment. (Doc. 64.) Therefore, the Court will calculate the date for Plaintiff’s opposition to Defendant’s Notice of Request to Seal Documents to coincide with the date Plaintiff’s opposition to the motion for summary judgment is due.<sup>1</sup>

### CONCLUSION AND ORDER

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff SHALL submit any opposition to Defendant’s Notice of Request to Seal Documents **no later than December 28, 2022**; and
2. Plaintiff SHALL submit any such opposition by addressing and mailing the opposition as follows:
  - a. Magistrate Judge Christopher D. Baker, United States District Court, 510 19th Street, Suite 200, Bakersfield, CA 93301; and
  - b. The envelope shall be marked prominently with “Opposition to Request to Seal Documents.”

IT IS SO ORDERED.

Dated: **December 7, 2022**

  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> 12/7/22 + 21 days = 12/28/22.